

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Shamyah M., ¹)	C/A No.: 1:20-cv-3090-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Andrew M. Saul,)	
Commissioner of Social Security)	
Administration,)	
)	
Defendant.)	
)	

This matter is before the court on Plaintiff's motion for attorney fees under the Equal Access to Justice Act ("EAJA"). [ECF No. 22]. On April 16, 2021, the court granted the Commissioner's unopposed motion to reverse and remand the Commissioner's final decision denying Plaintiff's claim for Supplemental Security Income under sentence four of 42 U.S.C. § 405(g). [ECF No. 20]. On May 14, 2021, Plaintiff filed this motion seeking \$5,833.65 in attorney fees. [ECF No. 22]. The Commissioner subsequently filed the parties' stipulation to an attorney fee of \$5,500.00. [ECF No. 23]. Given the parties' stipulation and in accordance with 28 U.S.C. § 2412(d), the court grants the motion and directs the Commissioner to pay Plaintiff \$5,500.00.

This payment shall constitute a complete release from and bar to any further

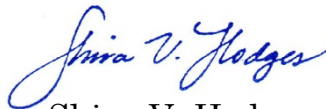
¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

claims that Plaintiff may have under the EAJA to fees, costs, and expenses incurred in connection with disputing the Commissioner's decision. This award is without prejudice to the rights of Plaintiff's counsel to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA.

Under *Astrue v. Ratliff*, 560 U.S. 586, 595–97 (2010), EAJA fees awarded by this court belong to Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Therefore, the court orders the EAJA fee be paid to Plaintiff by payment to Plaintiff's counsel.²

IT IS SO ORDERED.

May 27, 2021
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge

² Plaintiff's counsel may disburse these funds to satisfy valid liens or in accordance with a lawful assignment.